

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2013-053022
FC2013-094408

12/16/2013

HONORABLE JAY M. POLK

CLERK OF THE COURT
D. Kenney
Deputy

IN RE THE MARRIAGE OF
SANTO FRANK ROSACI

T ANTHONY GUAJARDO

AND

MICHELE ROSACI

CHRISTOPHER S HILDEBRAND

ALTERNATIVE DISPUTE
RESOLUTION - CCC
DOCKET-FAMILY COURT CCC
FAMILY COURT SERVICES-CCC
JUDGE NORRIS
OFFICE OF PUBLIC DEFENSE
SERVICES-CCC

CASE CONSOLIDATION

Courtroom 107 NE RCC

11:04 a.m. This is the time set for Return Hearing re: Petitioner's Motion for Temporary Orders filed on November 19, 2013. Petitioner is present with counsel, T. Anthony Guajardo. Respondent is present with counsel, Christopher Hildebrand.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held.

For good cause appearing,

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IT IS ORDERED granting Respondent's Motion to Consolidate Case Into Lowest Case Number and consolidating cause numbers FC2013-053022 and FC2013-054317 under cause number FC2013-053022 for all further proceedings, all in accordance with the formal written Order signed by the Court on December 16, 2013, and filed (entered) by the Clerk on December 16, 2013.

IT IS FURTHER ORDERED all support payments shall be paid and credited under cause number FC2013-053022.

IT IS FURTHER ORDERED that Respondent/Mother's Petition for Dissolution of Marriage filed in case number FC2013-054317 shall be construed as a response to Petitioner/Father's Petition for Dissolution of Marriage filed in this case on November 12, 2013.

Discussion is held.

Pursuant to agreement of the parties,

IT IS ORDERED that the Stipulated Order signed by the Court on December 9, 2013, is amended to reflect that Father or paternal grandparents may pick up or drop off the children at preschool.

The Court notes that the above agreement resolves all parenting time issues until the time of the Dissolution Trial.

Based upon the matters presented,

THE COURT FINDS that it is appropriate that the Order of Protection issued in cause number FC2013-054317 be amended.

IT IS ORDERED amending the Order of Protection issued on November 8, 2013, all in accordance with the formal written Modified Order of Protection signed by the Court on December 16, 2013, and entered (filed) by the Clerk on December 16, 2013.

ISSUED: Amended Order of Protection and Acceptance of Service.

LET THE RECORD FURTHER REFLECT that Defendant signs an Acceptance of Service Form in open court.

LET THE RECORD FURTHER REFLECT that the parties receive copies of the

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aforementioned documents in open court.

LET THE RECORD REFLECT that the Amended Order of Protection and Acceptance of Service are faxed to MCSO-OIC.

IT IS FURTHER ORDERED that Mother may take the children to Georgia to visit family from January 5, 2014, through January 11, 2014. Mother shall provide Father with a detailed itinerary by no later than **December 20, 2014**. Father may have video-conferencing contact with the children on January 6, 2014, at 6:00 p.m., Arizona time. Mother shall initiate the video-conference. Neither party shall cancel the children's airline tickets. Father shall have make-up time from the end of preschool on January 3, 2014, until January 5, 2014, at 9:00 a.m.

IT IS FURTHER ORDERED that the parties shall exchange final lists of all tangible personal property by **December 18, 2013**.

THE COURT FINDS it is in the best interests of the children to appoint a Court Appointed Advisor in this matter.

IT IS ORDERED appointing a Court Advisor through the Office of Public Defense Services to investigate Mother's allegations of domestic violence by Father, as well as any issues identified by the parties and make recommendations to the Court. The appointment shall be fully set forth by separate minute entry.

IT IS FURTHER ORDERED that Petitioner shall be responsible for and pay 50 percent of the Court Appointed Advisor's fees, and Respondent shall be responsible for and pay 50 percent of the Court Appointed Advisor's fees, until further order of the Court. All fees shall be paid in advance as determined by the Office of Public Defense Services.

IT IS FURTHER ORDERED setting an Evidentiary Hearing re: Temporary Orders on **January 24, 2014, at 9:00 a.m.** (time allotted: 1 hour), in this Division.

Honorable Jay M. Polk
Maricopa County Superior Court
Northeast Regional Court Center
18380 N. 40th St
Courtroom 107
Phoenix, AZ 85032

The parties and counsel are directed to meet and confer regarding the outstanding issues in an attempt to settle this matter.

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ISSUES: Exclusive use of the marital residence
 Payment of debts on the residence
 Child support
 Legal decision-making

The Court notes that it will set a Dissolution Trial at the Temporary Orders Hearing if all discovery is complete at that time.

Pursuant to Rule 16(h), Arizona Rules of Civil Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument.

JOINT PRE-HEARING STATEMENT:

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 6.8, Local Rules of Practice--Maricopa County (Family Court Cases), no later than **January 17, 2014**.

IT IS FURTHER ORDERED that the Joint Pre-hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Circumstances completed by each party together with a written statement as to whether the parties stipulate that the affidavits of both parties may be considered as testimony by the court as if marked as exhibits and entered into evidence pursuant to *In Re Marriage of Kells*, 182 Ariz. 480, 897 P.2d 1366 (App. 1995).
2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
3. If there are disputed legal decision-making, access or visitation issues, a specific proposal for legal decision-making and visitation by each party.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 16(f), Arizona Rules of Civil Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

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NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child legal decision-making, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

EXHIBITS:

IT IS ORDERED that any exhibits to be used at the hearing shall be delivered to the Clerk of this Division **no later than January 17, 2014**. The parties shall also provide the adverse party and the Court itself with a separate copy of all exhibits. **All exhibits must be clearly identified, stapled separately and separated by a COLORED sheet, and hand-delivered directly to a division staff member to ensure that they are received by the division clerk by January 17, 2014**. Please do not fax exhibits. Please do not attach the exhibits to any other document or pleading.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

SETTLEMENT:

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 5.1(c), Arizona Rules of Civil Procedure.

IT IS FURTHER ORDERED that the Court Appointed Advisor shall submit a preliminary report by **January 17, 2014**.

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IT IS FURTHER ORDERED that the parties shall personally meet at either counsel's law office for the purpose of engaging in settlement discussions.

IT IS FURTHER ORDERED referring this matter to the Court's Alternative Dispute Resolution (ADR) Office for the appointment of a Judge *Pro Tempore* to conduct a settlement conference and to enter stipulated orders in this matter. The settlement conference will be scheduled by ADR. Counsel and/or the parties will receive a notice with necessary settlement conference information from ADR.

IT IS FURTHER ORDERED that neither parent shall make any derogatory comments about the other parent or the other parent's family, spouse, or significant other, or permit others to make such comments, in the children's presence. Each parent shall encourage love and respect between the children and the other parent and shall not do anything that might undermine the other parent's relationship with the children.

IT IS FURTHER ORDERED that neither parent shall discuss, or permit others to discuss this case, including posting any remarks on Facebook or any other media website with regard to the issues raised in the case with the children. Likewise, neither parent shall discuss legal decision-making or other legal issues with the children unless necessary to protect their physical, emotional, or moral welfare. In addition, neither parent shall share, or provide others to share, with the children any pleadings, motions, minute entries, or other documents relating to this case. Both parents shall ensure that the children have no access to any pleadings, motions, minute entries, or other documents related to this case.

IT IS FURTHER ORDERED that neither parent shall relocate the residence of the children outside of the state of Arizona or to a distance greater than 100 miles from the current residential locations unless that parent first secures the written consent of the other or secures a court order authorizing the move.

The Court notes that any change in the residential address of either party **must** be submitted to the Clerk's Office, in writing, within ten (10) days of the change (A.R.S. 25-322(C)). Failure to notify the Clerk's Office of any change may be considered contempt of Court.

11:04 a.m. Matter concludes.

FILED: Amended Order of Protection and Acceptance of Service

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.